

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAYLEN TODJO,
Plaintiff,

v.

**CHARTER LOGISTICS USA, INC.,
MANHAL HAKIM,**

Defendants.

§
§
§
§
§
§
§
§
§
§

**CIVIL ACTION NO. 3:23-cv-1941
JURY TRIAL DEMANDED**

DEFENDANT MANHAL HAKIM'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant Manhal Hakim ("Defendant") hereby removes to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendant sets forth the following "short and plain statement of the grounds for removal."

A. THE REMOVED CASE

1. The removed case is a civil action first filed with the 40th Judicial District of Ellis County, Texas, on August 31, 2023, and styled *Jaylen Todjo v Charter Logistics USA, Inc., Manhal Hakim*, under Cause No. 111617.

B. DOCUMENTS AND INFORMATION FROM REMOVED ACTION

2. Pursuant to Local Rule CV-81, Defendant attaches the following documents to this Notice of Removal:

- (a) an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
- (b) a copy of the docket sheet in the state court action;
- (c) each document filed in the state court action, except discovery material; and
- (d) a separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e).

C. REMOVAL IS TIMELY

3. Plaintiff Jaylen Todjo ("Plaintiff") filed the present civil suit against the named Defendants in the 40th Judicial District of Ellis County, Texas (the "Dallas County court") on July 12, 2023. Defendant was served with Plaintiff's Original Petition ("the Petition") on August 1st, 2023. In the Petition, Plaintiff asserts negligence-based and causes of action and claims for personal injury damages against Defendant resulting from an alleged motor vehicle accident.

4. Defendant files this Notice of Removal based on diversity of citizenship within one year of the commencement of the action, and within 30 days of service, indicating that the present lawsuit was filed in the improper venue of Ellis County Judicial District Court, and subsequently became removable to the United States District Court for the Northern District of Texas. Therefore, Defendant contends that this removal is timely made.¹

D. VENUE IS PROPER

5. The United States District Court for the Northern District of Texas, Dallas Division, is the proper venue for removal of the state court action pursuant to 28 U.S.C. § 1441(a) because the 40th District Court of Ellis County, Texas is located within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

E. DIVERSITY OF CITIZENSHIP EXISTS

6. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

7. As admitted in the Petition, as of July 12, 2023, Plaintiff resided in Texas.² "In determining diversity jurisdiction, the state where someone establishes his/her domicile serves as a dual function as his state of citizenship."³ Therefore, Defendant contends that Plaintiff was

¹ See, 28 U.S.C. § 1446(c)(1).

² See, Plaintiff's Petition at ¶4.

³ See, *Preston v. Tenet Healthsystem Mem'l Med. Ctr., Inc.*, 485 F.3d 793, 797 (5th Cir. 2007).

domiciled in, and was a citizen of Collin County, Texas at the time Plaintiff's Petition was filed in the Ellis County Judicial District Court.

8. Defendant is not a citizen of the State of Texas as evidenced by Plaintiff's Petition and by service thereof.⁴ Rather, Defendant Manhal Hakim is an individual residing in Macomb County, Michigan.

9. The other named Defendant as of the time of the filing of this removal is a misnamed entity. The citizenship of a defendant sued under a fictitious name shall be disregarded in determining removability.⁵ Therefore, since Charter Logistics USA, Inc. is a misnamed fictitious entity its citizenship should not be considered.

10. Because Defendant is a citizen of a different state as Plaintiff, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

11. In the Petition, Plaintiff states that she seeks monetary relief over \$250,000.00. As such, Plaintiff seeks to recover damages in excess of \$75,000.00.

12. Based on the aforementioned facts, the current state court action may be removed to the United States District Court for the Northern District of Texas, Dallas Division, by Defendant in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Northern District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy will exceed \$75,000.00, exclusive of interest and costs.

G. FILING OF REMOVAL PAPERS

⁴ See, Plaintiff's Petition at ¶6.

⁵ See 28 U.S. Code § 1441(b)(1).

13. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the Clerk of the 40th Judicial District of Ellis County, Texas, where this action was originally commenced.

H. CONCLUSION

14. Defendant hereby removes the above-captioned action from the 40th Judicial District of Ellis County, Texas, and requests that further proceedings be conducted in the United States District Court for the Northern District of Texas, Dallas Division, as provided by law.

Respectfully submitted,

MAYER LLP

750 N. Saint Paul Street, Suite 700
Dallas, Texas 75201
214-379-6900 / Fax 214-379-6939

By: /s/ Zach Mayer
Zach Mayer
State Bar No. 24013118
zmayer@mayerllp.com
Van E. "Trey" Parham III
State Bar No. 24103008
tparham@mayerllp.com
Nader Arbabi
State Bar No. 24109594
narbabi@mayerllp.com

**ATTORNEYS FOR DEFENDANT
MANHAL HAKIM**

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of August 2023, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

Via E-Service

TK C. Stewart
600 N. Pearl Street, Suite 2205
Dallas, Texas 75201
e-service@daspitlaw.com

Attorneys for Plaintiff

/s/ Zach Mayer
Zach Mayer